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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JAN 28 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	DA 97-2579
Petition for Extension of Implementation	)	CC Docket No. 95-116
Deadlines of the Cellular Telecom-	)	
munications Industry Association	)	

**REPLY COMMENTS OF SPRINT SPECTRUM L.P. d/b/a SPRINT PCS**

The Comments of MCI and WorldCom are totally off the mark. MCI claims that the request for an extension of time to implement wireless number portability is really an attempt by cellular providers to delay competition. But, CMRS providers like Sprint PCS and PrimeCo, too, face essentially the same obstacles to implementing service provider number portability as cellular providers, and they, too, support an extension of time. So obviously, it cannot be a matter of trying to delay competition, but rather that wireless service provider number portability cannot be implemented by June 30, 1999.

WorldCom tries to fault wireless carriers for supposedly having only limited involvement in the formative stages of number portability. In fact, though, new entrants, like PCS carriers, have been involved in number portability efforts and tried to more fully participate in the so-called "formative stages", even during time and capital intensive buildout efforts. The wireless industry, by and large however, has been prohibited from involvement in the development of LNP design by wireline carriers, through exclusionary clauses in the Operating Agreements of the LLCs. In Sprint PCS's experience, some LLC agreements excluded CMRS membership by placing ownership restrictions on companies wanting to participate. For example, a carrier could not be a member of an

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LLC if a wireline affiliate were also a member and owned more than, say, 10% of that other carrier. That prohibition had the effect of excluding wireless carriers owned in part by a wireline company. LLC membership requirements also prohibited CMRS participation by tying membership qualification to the date a carrier would be uploading information to the LNP regional or state database. A carrier could not join the LCC prior to 12 months before the carrier would be uploading information. That excluded CMRS carriers from membership in an LLC before June 1998, since CMRS would not be uploading to the data base before June 1999.

WorldCom argues that wireless number portability should not be delayed if that means wireline carriers have to "subsidize" the cost of implementing number portability. In point of fact, a subsidy is being borne by wireless carriers where a number is ported between wireline carriers. CMRS carriers are required to be able to deliver a call to a ported number – for example, if a wireline RBOC customer ports a number to a CLEC, CMRS carriers are required to make sure the call can be routed to the wireline customer, who is now a customer of the CLEC. Even though a CMRS providers in no way causes the costs associated with the RBOC customer porting his or her number to the CLEC (e.g., to an MCI CLEC), and even though they do not benefit, the CMRS carrier is assessed a charge by the RBOC to perform a database inquiry to route the call (or the CMRS carrier must pay someone else to do so).

In addition, while credit may be given to the fact that wireline carriers have taken it upon themselves to fund the initial development of the NPAC architecture, presumably the FCC will permit LLC members will recoup their investment by spreading cost recovery over some portion of the industry. On the other hand, Sprint PCS estimates that

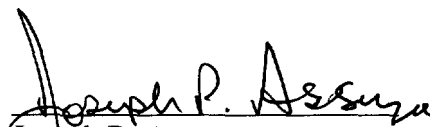

it will cost at least twice as much to implement the MIN/MDN split, and it is unclear to what degree the FCC will permit the cost of the MIN/MDN split to be recouped and whether the cost will be shared by the wireline industry. Furthermore, the requirement to support nationwide roaming means that every wireless carrier must implement this costliest of upgrades regardless of whether they expect to access the NPAC LNP architecture.

Both MCI and WorldCom claim that CMRS providers have tried to block number pooling. MCI and WorldCom mischaracterize the CMRS position on number pooling. (E.g., see the petition filed with the FCC by Sprint PCS and other CMRS carriers concerning the Pennsylvania PUC's attempt to impose a transparent overlay and number pooling as a substitute for immediate area code exhaust relief.) Specialized numbering assignment methods, like number pooling, may under certain circumstances, be appropriate longer term methods to address some numbering administration practices that result in an inefficient use of numbering resources. However, when – as in the case of Pennsylvania, for example – they are used to try to solve immediate area code exhaust relief problems and wireless carriers cannot participate in those specialized numbering assignment methods, the evidence shows they only serve to deprive carriers of adequate numbering resources to meet public demand, unlawfully discriminate against wireless carriers and their customers, and obstruct entry into the market. Sprint PCS does not object to wireline carriers participating in a number pooling plan; however, even if wireless carriers and other non-LNP capable carriers are excepted from such a plan, the plan must contain a provision that provides non-LNP capable carriers with sufficient full NXX blocks to meet their forecast demand. Having said all that, however, this is not the

appropriate docket to decide number pooling and area code relief issues. The FCC has already taken comments on "technological neutrality" and received comments on the Pennsylvania matter, a specific, actual controversy before the FCC that should be evaluated on its facts.

WHEREFORE, Sprint PCS requests that the Chief, Wireless Telecommunications Bureau, stay the implementation schedule for wireless number portability for nine months.

Respectfully submitted,

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